

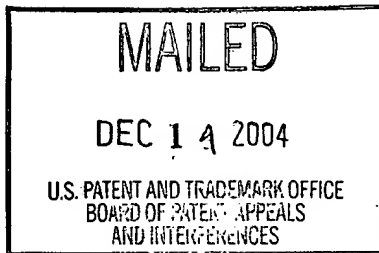
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte TIMOTHY C. LOOSE



Appeal No. 2005-0029
Application No. 09/635,956

ON BRIEF

Before COHEN, NASE, and DIXON, Administrative Patent Judges.
NASE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 to 5, 7 to 23 and 27 to 29, which are all of the claims pending in this application.¹

We REVERSE.

¹ While the examiner has approved entry of the amendment after final rejection (Paper No. 8, filed February 19, 2003) cancelling claims 6 and 24 to 26 and amending claims 23, 27 and 28, we note that this amendment has not been clerically entered.

BACKGROUND

The appellant's invention relates generally to reel mechanisms for slot machines and, more particularly, to a reel mechanism having a dedicated local microcontroller for handling low-level reel driver operations associated with a reel of the reel mechanism (specification, p. 1). A copy of the claims under appeal is set forth in the appendix to the appellant's brief.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Sakamoto	6,315,663	Nov. 13, 2001
McGlone et al. (McGlone)	6,394,900	May 28, 2002

Claims 1 to 5, 7 to 23, 27 and 28 stand rejected under 35 U.S.C. § 103 as being unpatentable over McGlone.

Claim 29 stands rejected under 35 U.S.C. § 103 as being unpatentable over McGlone in view of Sakamoto.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejections, we make reference to the answer

(mailed September 22, 2003) for the examiner's complete reasoning in support of the rejections, and to the brief (filed June 23, 2003) and reply brief (filed November 24, 2003) for the appellant's arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by the appellant and the examiner. As a consequence of our review, we make the determinations which follow.

Claims 1 to 5, 7 to 23 and 27

We will not sustain the rejection of claims 1 to 5, 7 to 23 and 27 under 35 U.S.C. § 103.

Independent claims 1, 9, 12, 20 and 23 read as follows:

1. A slot machine, comprising:
a central processing unit for operating the slot machine in response to a wager; and
a reel mechanism including a motor, a symbol-bearing reel, and a reel driver, said motor including a rotatable shaft, said reel being mounted to said shaft, said reel driver including a local microcontroller distinct from and coupled to said central processing unit, said reel driver being coupled to said motor to cause said motor to rotate said reel, said local microcontroller performing low-level reel driver operations independent from said central processing unit;

wherein said central processing unit sends configuration data to said local microcontroller for configuring said local microcontroller to a reel spinning game conducted with the slot machine.

9. A slot machine, comprising:
a motor including a rotatable shaft;
a symbol-bearing reel mounted to said shaft;
a reel driver including a local microcontroller serially linked to said central processing unit, said reel driver being coupled to said motor to cause said motor to rotate said reel, said local microcontroller performing low-level reel driver operations related to rotation of said reel; and
a central processing unit issuing high-level commands to said reel driver related to the rotation of said reel;
wherein said central processing unit sends configuration data to said local microcontroller for configuring said local microcontroller to a reel spinning game conducted with the slot machine.

12. A slot machine, comprising:
a motor including a rotatable shaft;
a symbol-bearing reel mounted to said shaft;
a reel driver including a local microcontroller, said reel driver being coupled to said motor to cause said motor to rotate said reel; and
a central processing unit for issuing a start spin command and a stop command to said reel driver, said start spin command instructing said reel driver to cause said motor to rotate said reel, said stop command instructing said reel driver to stop said motor from rotating said reel at a specified stop position;
said local microcontroller monitoring said reel in real time and at least partially controlling its position after said start spin command and prior to said stop command;
wherein said central processing unit sends configuration data to said local microcontroller for configuring said local microcontroller to a reel spinning game conducted with the slot machine.

20. A method of configuring a slot machine to a reel spinning game conducted with the machine, the method comprising:
providing a physical symbol-bearing reel;
providing a reel controller for performing low-level operations related to movement of said reel;

providing a central processing unit for issuing high-level commands to said reel controller related to the movement of said reel; and
sending configuration data from said central processing unit to said reel controller to configure said reel controller to the reel spinning game.

23. A method of configuring a slot machine to a reel spinning game conducted with the machine, the method comprising:
providing a physical symbol-bearing reel including an encoder for indicating a position of said reel;
providing a reel controller for performing low-level operations related to movement of said reel;
providing a central processing unit for issuing high-level commands to said reel controller related to the movement of said reel;
sending a command from said central processing unit to said reel controller to determine a type of said encoder;
determining the type of said encoder with said reel controller;
sending configuration data from said central processing unit to said reel controller to configure said reel controller to the reel spinning game; and
using said reel controller to compare the determined type of said encoder with said configuration data.

As framed and argued by the appellant, the dispositive issue in this appeal with respect to the rejection of claims 1, 9, 12, 20 and 23 is whether McGlone teaches or would have suggested a slot machine meeting the "wherein" recitation of claims 1, 9 and 12 (i.e., wherein said central processing unit sends configuration data to said local microcontroller for configuring said local microcontroller to a reel spinning game conducted with the slot machine) or a method of configuring a slot machine to a reel spinning game conducted with the machine meeting the "sending configuration data" recitation of claims 20 and 23 (i.e., sending configuration data from said central

processing unit to said reel controller to configure said reel controller to the reel spinning game).

McGlone's invention relates to gaming peripherals for gaming machines such as slot machines. More particularly, McGlone's invention relates to slot reels as gaming peripherals for gaming machines. McGlone's invention provides a slot reel peripheral having a slot reel, a drive mechanism and a peripheral controller. Using a standard communication protocol such as USB (Universal Serial Bus), the peripheral controller is configured to communicate with one or more master gaming controllers or other slot reel peripherals via a peripheral connection. The peripheral controller may drive the slot reel from position to position by operating the drive mechanism and may send operating instructions to other slot reel peripherals with peripheral controllers. Further, the peripheral controller may control one or more specialized "peripheral devices" (e.g., effects lights, back lights, bar code detectors, tampering sensors, position sensors, sound devices, electro-luminescent devices and stepper motors, etc. that perform specific functions of the slot reel peripheral).

The examiner believes that the "wherein" recitation of claims 1, 9 and 12 and the "sending configuration data" recitation of claims 20 and 23 are either:

(1) met by the master gaming controller establishing communication with the slot reel peripheral and selecting and downloading software drivers to the peripheral controller so that the master gaming controller can operate the peripheral devices via the peripheral controller (see McGlone at column 17, line 38, to column 19, line 20); or
(2) obvious from McGlone's teaching at column 3, lines 16-19 that "[t]he peripheral controller may have a non-volatile memory arranged to store configuration parameters specific to the slot reel peripheral and state history information of the slot reel peripheral."

We do not agree with the examiner for the reasons set forth by the appellant in the brief and reply brief. It is our opinion that the software drivers that McGlone's master gaming controller downloads to the peripheral controller do not inherently include configuration data to configure the peripheral controller to a reel spinning game. It is also our opinion that McGlone's teaching at column 3, lines 16-19 that "[t]he peripheral controller may have a non-volatile memory arranged to store configuration parameters specific to the slot reel peripheral and state history information of the slot reel peripheral" would not have, by itself, made it obvious at the time the invention was made to a person of ordinary skill in the art to send configuration data from McGlone's master gaming controller to McGlone's peripheral controller to configure the peripheral controller to a reel spinning game. When obviousness is based on a single prior art

reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference. See In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000). In this case, McGlone provides no such suggestion or motivation.

In light of the foregoing, the fair teachings of McGlone do not justify a conclusion that the subject matter recited in independent claims 1, 9, 12, 20 and 23 would have been obvious at the time the invention was made to a person having ordinary skill in the art. Accordingly, the decision of the examiner to reject claims 1, 9, 12, 20 and 23 under 35 U.S.C. § 103, and claims 2 to 5, 7, 8, 10, 11, 13 to 19, 21, 22 and 27 dependent thereon, as being unpatentable over McGlone is reversed.

Claim 28

We will not sustain the rejection of claim 28 under 35 U.S.C. § 103.

Independent claim 28 reads as follows:

A method of configuring a slot machine to a reel spinning game conducted with the machine, the method comprising:
 providing a physical symbol-bearing reel including an encoder for indicating a position of said reel;
 providing a reel controller for performing low-level operations related to movement of said reel;

providing a central processing unit for issuing high-level commands to said reel controller related to the movement of said reel;
sending a command from said central processing unit to said reel controller to determine a type of said encoder; and
determining the type of said encoder with said reel controller, which includes causing a motor to spin said reel and detecting a physical characteristic of said encoder.

As framed and argued by the appellant, the dispositive issue in this appeal with respect to the rejection of claim 28 is whether McGlone would have suggested a method of configuring a slot machine to a reel spinning game conducted with the machine meeting the "sending" and "determining" recitations of claim 28 (i.e., sending a command from said central processing unit to said reel controller to determine a type of said encoder; and determining the type of said encoder with said reel controller, which includes causing a motor to spin said reel and detecting a physical characteristic of said encoder).

The examiner believes that the "sending" and "determining" recitations of claim 28 would have been obvious from McGlone's teachings since it would be necessary for the peripheral controller to determine the type of encoder present in a reel and report it to the master gaming controller.

We do not agree with the examiner for the reasons set forth by the appellant in the brief and reply brief. It is our opinion that McGlone would not have, by itself, made it obvious at the time the invention was made to a person of ordinary skill in the art to send a command from McGlone's master gaming controller to McGlone's peripheral controller to determine a type of reel encoder; and to determine the type of reel encoder with McGlone's peripheral controller by causing a motor to spin the reel and to detect a physical characteristic of the encoder. As stated previously, when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference. In this case, McGlone provides no such suggestion or motivation.

In light of the foregoing, the fair teachings of McGlone do not justify a conclusion that the subject matter recited in independent claim 28 would have been obvious at the time the invention was made to a person having ordinary skill in the art. Accordingly, the decision of the examiner to reject claim 28 under 35 U.S.C. § 103 as being unpatentable over McGlone is reversed.

Claim 29

We will not sustain the rejection of claim 29 under 35 U.S.C. § 103.

Independent claim 29 reads as follows:

A method of configuring a slot machine to a reel spinning game conducted with the machine, the method comprising:

- providing a physical symbol-bearing reel;
- providing a reel controller for performing low-level operations related to movement of said reel; and
- providing a central processing unit for issuing high-level commands to said reel controller related to the movement of said reel, said high-level commands including a command for informing said reel controller of at least one of an acceleration profile for accelerating said reel and a deceleration profile for decelerating said reel.

As framed and argued by the appellant, the dispositive issue in this appeal with respect to the rejection of claim 29 is whether the teachings of McGlone and Sakamoto would have suggested a method of configuring a slot machine to a reel spinning game conducted with the machine meeting the "profile" limitation recited in claim 29 (i.e., said high-level commands including a command for informing said reel controller of at least one of an acceleration profile for accelerating said reel and a deceleration profile for decelerating said reel).

The examiner believes that the "profile" limitation recited in claim 29 would have been obvious from combined teachings of McGlone and Sakamoto.

We do not agree with the examiner for the reasons set forth by the appellant in the brief and reply brief. It is our opinion that combined teachings of McGlone and Sakamoto would not have made it obvious at the time the invention was made to a person of ordinary skill in the art to have McGlone's master gaming controller issue a high-level command to McGlone's peripheral controller related to either an acceleration profile for accelerating the reel or a deceleration profile for decelerating the reel. In our view, the combined teachings of McGlone and Sakamoto would have made it obvious at the time the invention was made to a person of ordinary skill in the art to have stored both the acceleration profile for accelerating the reel and the deceleration profile for decelerating the reel suggested by Sakamoto in McGlone's peripheral controller not McGlone's master gaming controller since McGlone's peripheral controller is the controller that issues the low-level instructions to the stepper motor to control the movement of the reel.²

In light of the foregoing, the teachings of McGlone and Sakamoto do not justify a conclusion that the subject matter recited in independent claim 29 would have been obvious at the time the invention was made to a person having ordinary skill in the art.

² See column 9, lines 1-11 and 23-57, of McGlone.

Accordingly, the decision of the examiner to reject claim 29 under 35 U.S.C. § 103 as being unpatentable over McGlone in view of Sakamoto is reversed.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1 to 5, 7 to 23 and 27 to 29 under 35 U.S.C. § 103 is reversed.

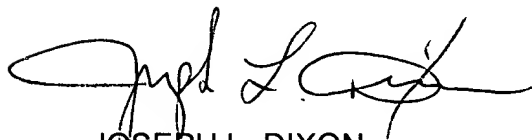
REVERSED



IRWIN CHARLES COHEN
Administrative Patent Judge



JEFFREY V. NASE
Administrative Patent Judge



JOSEPH L. DIXON
Administrative Patent Judge

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Appeal No. 2005-0029
Application No. 09/635,956

Page 14

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